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EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 10/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/254,148

Applicant(s)

Schrock

Examiner

Ahern, G

Group Art Unit

3624

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 7/18/02
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-56 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-56 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Argument***

1. This action is furnished in response to applicant's Argument(Paper #8) filed 7/18/02.A Preliminary Amendment(entered on 7/30/02 as an attachment to Paper #8), and dated 2/26/99 addressed the multiple dependency claims as identified by Examiner in the First Office Action.
2. No claims were amended; no claims were deleted; no new claims were added.
3. Original claims 1-56 as filed, are pending.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-56 are rejected under 35 USC 103(a) as unpatentable over Rose(US Pat. No: 5,757,917) in view of Gifford(US Pat. No: 5,724,424).
6. As per claims 1,36 Rose teaches a system for automatically conducting a business transaction between a user and a trader including a trader terminal including billing information representative of said trader(Fig 1/28/14)(col 2 line 63-col 3 line 67). Rose teaches an Internet network(col 2 lines 50-62)(Fig 1/12), a local communications link provided between said user terminal and said trader terminal(col 2 lines 54-57).Rose further teaches the user terminal receiving and processing user information representative of the user and receiving and processing the billing information via

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the link in response to the order a communications network(col 3 lines 16-45) using a protocol (col 3 lines 51-67) enabling the user terminal to communicate with the service provider wherein the user terminal transmits the billing information(col 3 lines 45-50)(col 8 lines 1-67)(Fig 5)(Fig 6B) and the user information(Fig 4A)(col 5 lines 35-54)(Fig 4B)(col 6 lines 38-50) to the provider over the communications network whereupon the service provider automatically transfers funds(col 11 lines 26-43) of the user to the trader under the authorization of the user to effect a financial transaction between the user and the trader(col 3 line 51-col 4 line 65). Rose fails to teach a direct authorization system. Gifford teaches an authorization system(col 7 line 66-col 8 line 24)(col 10 line 25-col 11 line 50)(Fig 13). Rose fails to teach a specific messaging protocol for transmitting and receiving orders. Gifford teaches this(col 5 lines 60)(Fig 6)(col 4 line 61-col 5 line 6). It would have been obvious to one skilled in the art at the time of the invention to combine Rose in view of Gifford to teach the above. The motivation to combine is to teach a user interactive network sales system in which the user can deal with a variety of merchants and utilize existing financial instruments for payment as enunciated by Gifford(col 1 lines 50-58).

7. As per claims 2, 37 Rose teaches a system according to claims 1,36 respectively wherein each order is automatically transmitted when the user is within the proximity of the trader terminal(Fig 1/14)(col 4 line 66-col 5 line 14).

8. As per claim 3, 38 Rose teaches a system according to claims 1,36 respectively wherein said user terminal or user card receives billing information from the trader terminal through the local

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communications link when the user terminal is in the vicinity of the trader terminal(col 2 lines 50-57).

9. As per claims 4,39 Rose teaches a system according to claims 1,36 respectively wherein said user terminal receives billing information from the trader terminal through the local communication link when the user terminal is linked to the trader terminal(col 2 lines 50-57).

10. As per claim 5,40 Rose teaches a system according to claims 1,36. Rose does not specifically teach wherein the financial transaction is authorized by the user upon entry of a PIN on the user terminal. Gifford teaches this(col 11 lines 46-50).It would have been obvious to one skilled in the art at the time of the invention to combine Rose in view of Gifford to teach the above. The motivation to combine is to teach authorization by a user using a PIN in a user interactive network sales system in which the user can deal with a variety of merchants and utilize existing financial instruments for payment as enunciated by Gifford(col 1 lines 50-58).

11. As per claims 6,41 Rose teaches a system according to claims 1, 36 respectively wherein prior to any transfer of funds confirmation of the order is entered on the terminal by the user(col 8 lines 27-39)(Fig 7/140).

12. As per claims 7,42 Rose teaches a system according to claims 1,36 respectively wherein funds of the user are reserved for transfer to the trader where the reserved funds are being transferred either partially or fully according to certain criteria relating to the goods purchased by the user(col 9 lines 23-31).

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13. As per claim 8 Rose teaches a system according to claim 7 wherein said certain criteria includes any one of amount of use of said goods or services and the duration of use of the goods or services(col 7 lines 36-67)(Fig 5).

14. As per claim 9 Rose teaches a system according to claim 7 wherein the total funds are transferred from a buyer to seller on consummation of an electronic transaction(col 11 line 26-43). Rose does not specifically teach partial transfer of reserved funds in installments and the amount of each installment is controlled in accordance with the billing instructions. It would have been obvious to one skilled in the art at the time of the invention to combine Rose in view of Gifford to teach the above and to teach only partial transfer as a subset of the total reserved funds in installments under conditions set forth in the billing instructions. The motivation to combine is to teach a user interactive network sales system in which instalment payments may be made and in which the user can deal with a variety of merchants and utilize existing financial instruments for payment as enunciated by Gifford(col 1 lines 50-58).

15. As per claims 10,43 Rose teaches a system according to claims 1,36 where delivery destination information for goods purchased by the user is transmitted to the service provider together with billing and user information(col 10 lines 36-41).

16. As per claim 11 Rose teaches according to claim 10 wherein information identifying the goods or services purchased by the user are transmitted together with said delivery destination information to an electronic warehouse(col 10 lines 50-61)(col 11 lines 25-32)(col 10 lines 31-41).

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17. As per claim 12 Rose teaches a system according to claim 11 wherein the electronic warehouse allocates goods or services on the basis of information identifying the goods or services purchased by the user and initiates delivery of the goods or services on the basis of the delivery destination information for collection by the user(col 8 lines 1-11)(Fig 6A)(Fig 5)(col 10 lines 31-41).

18. As per claim 13 Rose teaches a system according to claim 12 wherein the transfer of funds including reserved funds of the user to the trader takes place upon completion of delivery or acceptance by the user of the goods or services(Fig 9/264)(col 10 line 31-41).

19. As per claim 14 Rose teaches a system according to claim 1 wherein the billing information is incorporated into the trader card at the trader terminal(col 8 lines 1-11)(Fig 6A).

20. As per claim 15 Rose teaches a system according to claim 1 wherein said user terminal has data acquisition means, such as detector means, for sensing and receiving trader billing information at the trader terminal(col 8 lines 12-26)(Fig 7)(col 8 line 36-38).

21. As per claim 16 Rose teaches a system according to claim 1 wherein the user terminal stores the user information including identification and an account of the user from which the funds are transferred(Fig 6B)(col 8 lines 21-26).

22. As per claim 17 Rose teaches a system according to claim 16 wherein said user terminal has computing processor means for processing the user and billing information(col 8 line 26-67)(Fig 2)(Fig 1/10).

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23. As per claim 18 Rose teaches a system according to claim 10 wherein the user terminal stores the delivery information or said delivery information is input by the user when prompted by the terminal(col 10 lines 36-41).

24. As per claim 19 Rose teaches a system according to claim 1 wherein the user terminal has interface means adapted to transmit all the billing information, user information, delivery destination information to the service provider over the communications network(col 10 lines 36-41)(Fig 6C)(col 8 lines 40-67).

25. As per claim 20 Rose teaches a system according to claim 12 where confirmation messages of completion of all or part of the financial transaction are transmitted by the service provider and confirmation of delivery is transmitted to the trader and user(Fig 8)(col 10 line 50-col 11 line 43).

26. As per claim 21 Rose teaches a system according to claim 1 wherein the user terminal is adapted to receive the user card with the user card being unique to a particular user (Fig 5)(col 8 lines 12-58).

27. As per claim 22 Rose teaches a system according to claim 21 wherein said user card prestores the user information including identification and account of said user from which funds are transferred(col 8 lines 40-53).

28. As per claim 23 Rose teaches a system according to claim 21 wherein said user terminal has data acquisition means, such as detector means, for sensing and receiving trader billing information at the trader terminal(col 8 lines 12-26)(Fig 7)(col 8 line 36-38).



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29. As per claim 24 Rose teaches a system according to claim 21 wherein said user terminal has computing processor means for processing the user and billing information(col 8 line 26-67)(Fig 1/10)(Fig 2).

30. As per claim 25 Rose teaches a system according to claim 21 wherein the user terminal stores the delivery information or said delivery information is input by the user when prompted by the terminal(col 10 lines 36-41).

31. As per claim 26 Rose teaches a system according to claim 24 wherein said user terminal has reader means for reading the billing information and user information and delivery destination information(Fig 8)(col 10 lines 31-60).

32. As per claim 27 Rose teaches a system according to claim 1 wherein the user is informed through the terminal of all processes being conducted in respect to the business transaction.(col 9 lines 2-13)(col 9 lines 23-31)(Fig 7)(Fig 6D)(col 10 lines 15-41)(col 3 lines 6-10).

33. As per claim 28 Rose teaches a system according to claim 1. Rose does not specifically teach wherein said transaction is reversible such that a partial or full refund to the user from the trader for goods or services takes place and is initiated by the trader on the basis of certain criteria.

Gifford teaches net transfer settlements which may include refunds(col 10 lines 20-25).It would have been obvious to one skilled in the art at the time of the invention to combine Rose in view of Gifford to teach the above and to teach only partial opposite direction(refunds)transfer as a subset of the total reserved funds under conditions set forth. The motivation to combine is to teach a user interactive network sales system incorporating refunds in which the user can deal with a

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variety of merchants and utilize existing financial instruments for payment as enunciated by Gifford(col 1 lines 50-58).

34. As per claim 29 Rose teaches a system according to claim 28 wherein said transaction is reversed by accessing a database of the service provider through a communications system operating between the trader and service provided for a full refund to the user(Fig 7)(col 9 line 51-col 10 line 8).

35. As per claim 30 Rose teaches a system according to claim 29 wherein said database stores information relating to each transaction by an identification code(col 5 lines 17-52)(Fig 4A/102/100)(Fig 4B/200/202)(col 6 lines 5-50)(col 8 lines 40-45)(Fig 6C/142).

36. As per claim 31 Rose teaches a system according to claim 1 wherein the trader has access to an account of the trader into which funds are transferred through the provider so as to verify transaction details in the account of the trader(col 6 line 51-col 7 line 20)(col 8 lines 20-26)(Fig 8/115/117).

37. As per claim 32 Rose teaches a system according to claim 1. Rose does not specifically teach wherein the user terminal has access to an account of the user to verify that sufficient funds are available to the user. Gifford teaches this(col 9 lines 7-20). It would have been obvious to one skilled in the art at the time of the invention to combine Rose in view of Gifford to teach the above and to funds sufficiency for trading. The motivation to combine is to teach verification of funds sufficiency in a user interactive network sales system in which the user can deal with a

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variety of merchants and utilize existing financial instruments for payment as enunciated by Gifford(col 1 lines 50-58).

38. As per claim 33 Rose teaches a system according to claim 1. Rose does not specifically teach whereby goods having associated taxes/imports applied by a legislative body wherein the transfer of funds of the user includes said service provider transferring the associated amount of taxes to the legislative body, but does teach imposition of service charges to the buyer's account(col 9 lines 62-64).It would have been obvious to one skilled in the art at the time of the invention to combine Rose in view of Gifford to teach the above and to teach imposition of miscellaneous charges may also include imposition of taxes. The motivation to combine is to teach taxation of purchases in a user interactive network sales system in which the user can deal with a variety of merchants and utilize existing financial instruments for payment as enunciated by Gifford(col 1 lines 50-58).

39. As per claim 34 Rose teaches a system according to claim 28. Rose does not specifically teach whereby goods having associated taxes/imports applied by a legislative body wherein the transfer of funds of the user includes said service provider transferring the associated amount of taxes to the legislative body, and refunding these taxes in a reversible manner but does teach imposition of service charges to the buyer's account(col 9 lines 62-64).Gifford teaches net transfer settlements which may include refunds(col 10 lines 20-25). It would have been obvious to one skilled in the art at the time of the invention to combine Rose in view of Gifford to teach the above and to teach imposition of miscellaneous charges as well as net settlements may also include imposition/refunds

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of taxes. The motivation to combine is to teach a refunding of taxes for purchases in a user interactive network sales system in which the user can deal with a variety of merchants and utilize existing financial instruments for payment as enunciated by Gifford(col 1 lines 50-58).

40. As per claim 35 Rose teaches a system according to claim 1. Rose does not specifically teach where the user terminal is incorporated into the trader terminal and the user information is incorporated into either the user terminal or the user card. Gifford teaches this(col 7 line 66-col 8 line 11).It would have been obvious to one skilled in the art at the time of the invention to combine Rose in view of Gifford to teach the above and to teach the trader terminal being incorporated into the user terminal. The motivation to combine is to teach a user interactive network sales system in which the user terminal is incorporated into the trader terminal and in which the user can deal with a variety of merchants and utilize existing financial instruments for payment as enunciated by Gifford(col 1 lines 50-58).

41. As per claim 44 Rose teaches according to claim 36 wherein information identifying the goods or services purchased by the user are transmitted together with said delivery estimation information to an electronic warehouse(col 10 lines 50-61)(col 11 lines 25-32)(col 10 lines 31-41).

42.As per claim 45 Rose teaches a method according to claim 44 further including the step of allocating the goods on the basis of information identifying the goods purchased by the user and initiating delivery of the goods on the basis of delivery destination information for collection by the user(col 7 lines 63-67)(col 8 lines 20-26)(Fig 6B/237).

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43. As per claim 46 Rose teaches a method according to claim 45 wherein the step of transferring funds including reserves follows completion of acceptance by the user of the goods(col 10 line31-col 11 line 43).

44. As per claim 47 Rose teaches a method according to claim 36 wherein the step of receiving is performed by data acquisition means such as detector means, which is either integrated into said terminal or the card, where the card is adapted to be inserted into and received by the terminal (col 8 lines 12-26)(Fig 7)(col 8 line 36-38)(Fig 6A)(Fig 6B)(Fig 6C)(Fig 5/107/129/128).

45. As per claim 48 Rose teaches a method according to claim 36 wherein the step of processing is carried out by the user terminal or the card having computing processor means for carrying out the processing(Fig 1/40/42/10)(Fig 2).

46. As per claim 49 Rose teaches a system according to claim 47 wherein said user terminal has reader means for reading the billing information and user information and delivery destination information(Fig 8)(col 10 lines 31-60).

47. As per claim 50 Rose teaches a system according to claim 36 wherein the user is informed through the terminal of all processes being conducted in respect to the business transaction.(col 9 lines 2-13)(col 9 lines 23-31)(Fig 7)(Fig 6D)(col 10 lines 15-41)(col 3 lines 6-10).

48. As per claim 51 Rose teaches a system according to claim 36. Rose does not specifically teach wherein said transaction is reversible such that a partial or full refund to the user from the trader for goods or services takes place and is initiated by the trader on the basis of certain criteria but does teach imposition of service charges to the buyer's account(col 9 lines 62-64). Gifford

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teaches net transfer settlements which may include refunds(col 10 lines 20-25). It would have been obvious to one skilled in the art at the time of the invention to combine Rose in view of Gifford to teach the above and to teach only partial opposite direction(refunds)transfer as a subset of the total reserved funds under conditions set forth. The motivation to combine is to teach a refundable funds transfer system in a user interactive network sales system in which the user can deal with a variety of merchants and utilize existing financial instruments for payment as enunciated by Gifford(col 1 lines 50-58).

49. As per claim 52 Rose teaches a system according to claim 51. Rose does not specifically teach whereby goods having associated taxes/imports applied by a legislative body wherein the transfer of funds of the user includes said service provider transferring the associated amount of taxes to the legislative body, but does teach imposition of service charges to the buyer's account(col 9 lines 62-64). Gifford teaches net transfer settlements which may include refunds(col 10 lines 20-25). It would have been obvious to one skilled in the art at the time of the invention to combine Rose in view of Gifford to teach the above and to teach imposition of miscellaneous charges and net transfers may also include imposition of taxes. The motivation to combine is to teach taxation of purchases in a user interactive network sales system in which the user can deal with a variety of merchants and utilize existing financial instruments for payment as enunciated by Gifford(col 1 lines 50-58).

50. As per claim 53 Rose teaches a system according to claim 51. Rose does not specifically teach whereby goods having associated taxes/imports applied by a legislative body wherein the transfer

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of funds of the user includes said service provider transferring the associated amount of taxes to the legislative body, and refunding these taxes in a reversible manner but does teach imposition of service charges to the buyer's account(col 9 lines 62-64). Gifford teaches net transfer settlements which may include refunds(col 10 lines 20-25). It would have been obvious to one skilled in the art at the time of the invention to combine Rose in view of Gifford to teach the above and to teach imposition of miscellaneous charges as well as net settlements may also include imposition/refunds of taxes. The motivation to combine is to teach a user interactive network sales system for partial refund of taxes and in which the user can deal with a variety of merchants and utilize existing financial instruments for payment as enunciated by Gifford(col 1 lines 50-58).

51. As per claim 54 Rose teaches a system according to claim 36 where confirmation messages of completion of all or part of the financial transaction are transmitted by the service provider is transmitted to the trader and user(Fig 8)(col 10 line 50-col 11 line 43).

52. As per claim 55 Rose teaches a system according to claim 43 where confirmation messages of completion of delivery is transmitted to the trader and user(Fig 8/6)(col 10 line 52-56).

53. As per claim 56 Rose teaches a method according to claim 36 further including the steps of allowing said trader access to the account of said trader through said service provider to verify transaction details in the account of the trader(col 6 line 51-col 7 line 20)(col 8 lines 20-26)(Fig 8/115/117).

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*Response to Arguments*

54. Applicant's arguments filed 7/18/02 have been fully considered but they are not persuasive.

As cited in Rose(col 2 lines 53-62), the Internet network is of a type that users can access by various means as dedicated communications links or/and conventional commercial telephone systems. The Internet network provides multiple services for its users as e-mail, world wide web, FTP. Although, as Rose states, the invention is useful for the Internet, with multiple modes(WWW, FTP) it may also be useful in conjunction with other network systems having users that can communicate by e-mail. Rose teaches an alternative communication which may utilized in his invention and may be a local communication link as a telephone(col 2 line 57). Thus, Rose teaches a separate and distinguishable local communication link(telephone, dedicated links).

Rose teaches the use of authorization to charge a credit card by a user-buyer(col 5 lines 60-64) as a selectable pay-in option and is initiated and selected by a buyer/cardholder(Fig 4A/108). Gifford also teaches that a buyer may initiate a purchase message(Fig 6/25) and that a buyer computer can present to a merchant a pre-authorized payment order that is obtained from a network payment system, which is thus buyer-initiated(col 3 lines 28-32)(col 6 lines 14-18)(col 7 lines 50-55)(Fig 12/57). Claim 1 is thus not allowable over the art of record as proposed by Applicant.

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***Conclusion***

55. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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56. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 2100 or this Art Unit is (703)-308-6296 or 6306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-305-3900.


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GRA

August 12, 2002

A handwritten signature in black ink, appearing to be 'M. K.', is written over the date 'August 12, 2002'.